

REMARKS

Applicant requests reconsideration of this application based upon the foregoing amendments and the following remarks.

I. Status of Claims and Explanation of Amendments

Claims 1 and 3–15 were pending. The March 23, 2007 final Office Action (“final Office Action”) allowed claims 14 and 15. Applicant thanks the Examiner for indicating allowable subject matter. The final Office Action also rejected claims 1, 3 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Lynch in view of Jang ‘040 and Carter. The final Office Action also rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Surrendi and Jang ‘157. The final Office Action also rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Surrendi. The final Office Action also rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Glover et al. The final Office Action also rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Mallookis. The final Office Action also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Suh. The final Office Action also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 3 in view of Ziegler. The final Office Action objected to claims 4 and 6 as being dependent upon a rejected base claim, but stated that these claims would be allowable if rewritten in independent form.

By this paper, claim 1 is amended to add the limitation “the second rod of the roof edge frame is longer than the first rod of the roof edge frame.” Support for this limitation can be found throughout the original disclosure, including for example at Figures 3C and 3D.

Additionally, although the limitation added to claim 1 by this paper is clearly supported by the specification and drawings as originally filed, this paper also amends the specification to provide direct antecedent basis for the newly added limitation.

No new matter will be added to the disclosure of this application by entry of these amendments. Entry is respectfully requested.

II. Claims 1, 3, 5, and 7–13 are Not Obvious

Applicant respectfully traverses the claims rejections made by the final Office Action. Amended claim 1 recites that the second rod of the roof edge frame is longer than the first rod of the roof edge frame. Claims 3, 5, and 7–13 ultimately depend from claim 1 and therefore include all of its limitations, including the aforementioned limitation that has been added by this paper.

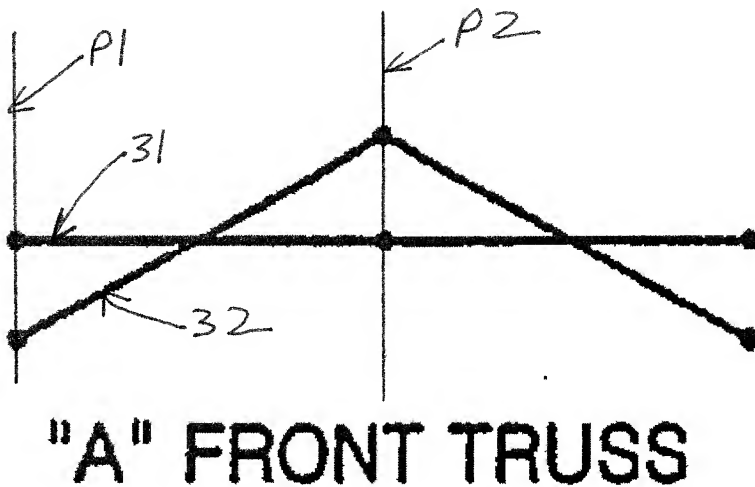
Applicant’s Amendment filed January 11, 2007 actually argued in its Remarks section that the limitation that the second rod of the roof edge frame is longer than the first rod of the roof edge frame patentably distinguishes claim 1 from the applied references. The undersigned, however, mistakenly did not add this limitation to the text of claim 1 in that Amendment. Even though this limitation was not present in claim 1 as presented in the Jan. 11 Amendment, the final Office Action addressed the arguments directed to this limitation. The final Office Action states:

There appears to be no recitation of the lengths of the roof edge frames in the claims, nor should there be: the roof edge frames appear to be the same length in all of the Figures submitted by the

applicant. Different length roof edge frames are not sufficiently enabled by the applicant's submission.

Final Office Action at 9.

Applicant respectfully disagrees. The drawings figures as filed clearly provide adequate support for this limitation. For example, each of the "A" front and side trusses and "B" front and side trusses in Figures 3C and 3D includes roof edge frames having a second rod longer than the first rod. The "A" Front Truss shown in Figure 3C is reproduced below. The first rod of a roof edge frame has been annotated with the reference numeral 31 and the second rod of the roof edge frame has been annotated with the reference numeral 32 to conform with the reference numerals shown in Fig. 1B. Note that the drawing reproduced below shows one side of the roof edge that is made up of two roof edge frames. See Specification at p. 5, ll. 26-27 ("At least two pairs of the roof edge frame 3 are connected for one side of the roof . . .")



The above drawing is also annotated with two vertical planes, P1 and P2, extending perpendicular to the page. As can be seen in Figure above, the left hand ends of rods 31 and 32 are in the same vertical plane P1 and the right hand ends of rods 31 and 32 are in the same vertical plane P2. The first rod, however, is horizontally oriented, while the second rod is angled

with respect to the horizontal. It therefore follows from simple geometry, that rod 32 must be longer than rod 31.

None of the references identified for the § 103(a) rejections discloses or suggests a canopy structure in which the second rod of the roof edge frame is longer than the first rod of the roof edge frame. In each of the applied references that plausibly discloses rods of an edge frame that having center portions that pivot in X form, the rods have the same length. *See, e.g.*, Lynch at col. 7, ll. 58–60 (“Each of scissor bars 41 and 42 are . . . identical to one another.”); Mallookis at col. 3, ll. 30–32 (“Each of the truss sections 26 and 30 is comprised of a pair of identical arms or rods 33 and 34 pivoted together at 35.”)

The feature that the second rod of the roof edge frame is longer than the first rod of the roof edge frame, in combination with all of the other limitations recited in claim 1, results in a canopy structure that has better drainage and is more stable than in the prior art. Additionally, the canopy structure recited in claim 1 does not require an additional vertical rod to the roof center frame.

Because none of the references identified for the § 103(a) rejections discloses or suggests a canopy structure in which the second rod of the roof edge frame is longer than the first rod of the roof edge frame, no combination of these references results in a canopy structure that meets all the limitations of claim 1. As such, these references do not render claim 1 obvious. *See M.P.E.P.* § 2143 (8th ed. Rev. 5 Aug. 2006) (stating, “To establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.”). Claims 3, 5, and 7–13 are not obvious in view of these references at least for the same reasons that claim 1 is not obvious in view of these references. Applicant respectfully requests withdrawal of the § 103 rejections of claim 3, 5, and 7–13.

Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind Glover et al. or Suh at this time. Applicant, however, reserves the right, as provided for under 37 C.F.R. § 1.131, to do so in the future as appropriate.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1592-4043.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1592-4043.

Respectfully submitted,
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